IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

OP.No. 1995 of 2001(K)

PETITIONER:
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1. K. NARAYANA PODUVAL, D3,51, AISWARYA, KSHB COLONY, C.H. NAGAR, CALICUT 673 017

2. SMT. K.C. GOURI, "SWATHI", F4/73, C.H. COLONY, MARIKUNNU P.O., CALICUT 673 012

3. DR. M.D. NANDESWAR, E 30126, C.H. COLONY, MARIKUNNU P.O., CALICUT

4. V. LEELA, PERIYEDATH, P.O. PUTHUPANAM, BADAGAR 5

5. V. BHARATHAN, PLOT NO. S. 135, 33/2540, C.H. NAGAR, KSHB COLONY, MARIKUNNU, KOZHIKODE 12

6. SMT. T. MAYADEVI, E 3-133, KSHB COLONY, MARIKUNNU P.O., KOZHIKODE 12

7. SRI. K. RAMAKRISHNAN, "SHILPI", P.O. PUTHIYANGADI, CALICUT 21

8. SMT. P.M. RAMANI, W/O. LATE A.K. VASUDEVAN NAMBOODIRI, C7-156, CHEVAYUR HOUSING COLONY, P.O. MARIKUNNU, CALICUT 12

9. SRI. U.K. DAMODARAN NAIR, "SAGARIKA", E3-129, C.H. NAGAR, P.O. MARIKUNNU, CALICUT 12

BY ADV. SRI.K.JANARDHANAN

RESPONDENTS:
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1. THE KERALA STATE HOUSING BOARD, REPRESENTED BY THE SECRETARY, THIRUVANANTHAPURAM.

2. THE ADMINISTRATIVE OFFICER, THE KERALA STATE HOUSING BOARD, REGIONAL OFFICE, CALICUT 673 006

BY ADV. POOVAPPALLY M.RAMACHANDRAN NAIR,SC.KSHB

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 19/03/2007, ALONG WITH OP NO. 5079 OF 2001 OP NO. 1996 OF 2001 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP 3395/01 & I.A. 1352/2004 IN OP 1995 OF 2001

DISMISSED

19.3.2007 SD/-C.N.RAMACHANDRAN NAIR, JUDGE.

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 TRUE COPY OF THE LETTER DATED 21.3.1995 NO. 3/D3.51/CVR ISSUED BY THE 1ST RESPONDENT TO THE FIRST PETITIONER.

EXT.P2 TRUE COPY OF THE LETTER DATED 17.4.1995 ISSUED BY THE FIRST PETITIONER TO THE FIRST RESPONDENT/

EXT.P3 TRUE COPY OF THE LETTER DATED 17.7.2000 ISSUED TO THE PETITIONER BY THE BOARD.

EXT.P4 TRUE COPY OF THE LETTER NO. 83/D3-51/CVR/86 DATED 1.8.2000

EXT.P5 TRUE COPY OF THE LETTER DATED 16.8.2000 SUBMITTED BY THE FIRST PETITIONER TO THE FIRST RESPONDENT.

EXT.P6 TRUE COPY OF THE LETTER NO. S3/F4-73/CVR/87 DATED 21.3.1995 ISSUED BY THE FIRST RESPONDENT TO THE FIRST PETITIONER.

EXT.P7 TRUE COPY OF THE REGISTERED LETTER RECEIVED ON 21.4.1995 TO THE RESPONDENT.

EXT.P8 TRUE COPY OF THE LETTER DATED 22.8.2000 SUBMITTED BY THE 2ND PETITIONER TO THE REGIONAL ENGINEER, KSHB, KOZHIKODE.

EXT.P9 TRUE COPY OF THE LETTER NO. S3/E3-126/CVR/89 DATED 24.3.95 ISSUED BY THE 1ST RESPONDENT TO THE 3RD PETITIONER.

EXT.P10 TRUE COPY OF THE LETTER DATED 17.7.2000 TO THE 3RD RESPONDENT TO THE BOARD.

EXT.P11 TRUE COPY OF THE LETTER NO. S3/E3-126/CVR/89 DATED 4.8.2000

EXT.P12 TRUE COPY OF THE LETTER NO. S3/S-42/CVR DATED 16.3.1995 ISSUED BY THE FIRST RESPONDENT TO THE 4TH PETITIONER.

EXT.P13 TRUE COPY OF THE OLETTER NO. S3/S-135/CVR/90 DATED 16.3.95 ISSUED BY THE FIRST RESPONDENT TO THE 5TH PETITIONER.

EXT.P14 TRUE COPY OF THE LETTER SUBMITTED BY THE 5TH PETITIONER TO THE 1ST RESPONDENT.

EXT.P15 TRUE COPY OF THE LETTER NO. S3/E3-133/CVR/88 DATED 24.3.1995 ISSUED BY THE FIRST RESPONDENT TO THE 6TH PETITIONER.

EXT.P16 TRUE COPY OF THE REPLY DATED 10.4.1995 SUBMITTED BY THE 6TH PETITIONER TO THE FIRST RESPONDENT.

EXT.P17 TRUE COPY OF THE LETTER NO. S3/5-141/CVR DATED 16.3.1995 ISSUED BY THE FIRST RESPONDENT TO THE 7TH PETITIONER.

EXT.P18 TRUE COPY OF THE LETTER DATED 20.4.1995 SUBMITTED BY THE 7TH PETITIONER TO THE FIRST RESPONDENT.

EXT.P19 TRUE COPY OF THE LETTER DATED 24.7.2000

EXT.P20 TRUE COPY OF THE LETTER NO. SI/SP/141/CVR DATED 1.8.2000

EXT.P21 TRUE COPY OF THE LETTER NO. C-7-150/CVR/85 DATED 20.3.95 ISSUED BY THE 1ST RESPONDENT TO THE 8TH PETITIONER.

EXT.P22 TRUE COPY OF THE REPLY DATED 17.4.1995 SUBMITTED BY THE 7TH PETITIONER TO THE FIRST RESPONDENT.

EXT.P23 TRUE COPY OF THE LETTER DATED 18.7.2000

EXT.P24 TRUE COPY OF THE LETTER NO. S3/E3-129/CVR/87 DATED 24.3.1995 ISSUED BY THE FIRST RESPONDENT TO THE 9TH PETITIONER.

EXT.P25 TRUE COPY OF THE LETTER DATED 17.7.2000 SUBMITTED BY THE 9TH PETITIONER TO THE RESPONDENT.

EXT.P26 TRUE COPY OF THE AGREEMENT FOR SALE OF THE PROPERTY.

EXT.P27 PHOTOCOPY OF THE NEWSPAPER PUBLICATION OF MATHRUBHOOMI DAILY DATED 23.12.2003

EXT.P28 PHOTOCOPY OF THE NEWSPAPER PUBLICATION OF MATHRUBHOOMI DAILY DATED 29.12.2003

EXT.P29 PHOTOCOPY OF THE NEWSPAPER PUBLICATION OF MATHRUBHOOMI DAILY DATED 15.1.2004

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

O.P.Nos. 1995,1996 & 5079 of 2001

Dated this the 19th day of March, 2007

JUDGMENT

Petitioners are allottees of Housing plots by the Kerala State Housing Board. According to the petitioners, even though allotments were made nearly 20 years back, so far Housing Board has not settled the accounts or executed sale deed in favour of the petitioners. Standing counsel for Housing Board submitted that, though details of processes are not furnished in court, almost all Land Acquisition cases are over and Housing Board will not further delay the matter. It is seen that another batch of cases was disposed of by this Court, vide judgment in O.P.No. 11188 of 2000 dated 25.6.2004 holding that allottees could not be held responsible for interest for the belated demand of amount. In the circumstances, these O.Ps. are also disposed of with direction to the Housing Board to follow the said judgment so far as interest claim is concerned, more so because, the judgment of the learned single is confirmed in W.A.No. 1760 of 2004. Whatever be the balance liability according to the final awards should be apportioned

among the allottees including the petitioners in terms of allotment and immediately on payment sale deed will be executed in favour of the petitioners, without any delay. However, time is granted to the Housing Board for recovering the arrears and for executing sale deeds till 30.6.2007.

(C.N.RAMACHANDRAN NAIR)
Judge